

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU
AND
THE HONOURABLE MR. JUSTICE N. AUTHINATHAN

O.S.A. Nos. 150 & 151 of 2013 & M.P. Nos. 1 & 2 of 2013

M/s. Mohan Impressions Pvt. Ltd.,
8/2, Kiran Shankar Roy Road,
Shop No.1, Kolkata - 700 001.
rep. by its Director,
Regional Office at:
1E, Satyam 46D,
Rafi Ahmed Kidwal Road,
Kolkata - 700 016. ...Appellant in both appeals

Vs.

M/s. Add Print (India) Enterprises
Pvt. Ltd., rep. by its Manager
having its Head Office at
Majidha Buildings, Silver Hills,
Calicut - 12,
Kerala.
Registered Office at:
Chandramothi Building (Near LIC),
95, Anna Salai,
Chennai - 600 002. ...Respondent in both appeals

Prayer: Original Side Appeals U/O XXXVI, Rule 1 of Rules O/W
Clause 15 of Letters Patent as against the fair and decretal
order dated 04.07.2012 passed in O.A. Nos. 636 & 637 of 2010 in
C.S. No. 556 of 2010 on the file of the Original Side of the
High Court of Madras.

O.A.636 of 2010:

The Original Application praying that this Honble Court be
pleased to pass an order of Interim Injunction restraining the
respondent by themselves their men, servants, agents ,
distributors, stockists, representatives, partners,
directors, or any of them from in any manner infringing/Pirating

the Applicants Registered Design of Box type pre inked rubber stamp carrying design Registration No.207586 in class19-02 by manufacture advertisement or sale of pirated box type pre linked rubber stamp or in any other manner whatsoever.

O.A.637 of 2010

Original Application that this Hon'ble Court be pleased to pass an order of Interim Injunction restraining the respondent by themselves their men, servants, agents, distributors, stockists, representatives, partners, directors, or any of them from in any manner passing-off as the Applicants trademarks SUNS TAMPER by use of the Respondents Trademark Presto INSTANZA or deceptive trade Dress design model size Colourscheme getup layout or by use of any other mark deceptively similar to Applicants registered trademarks or registered design or in any other manner Whatsoever.

For Appellant :: Mr.M.S. Bharath

For Respondent :: Mr.A. Swaminathan

J U D G M E N T

(Judgment of the Court was delivered by S. NAGAMUTHU,J.)

These appeals have been filed as against the interim orders dated 04.07.2012 passed by the learned Single Judge of this Court in O.A. Nos. 636 & 637 of 2010 in C.S. NO. 556 of 2010.

2. When the matters are taken up, it is submitted by the learned counsel for the respondent that the suit in C.S. No. 556 of 2010 itself has been decreed, ex parte and that the suit is no longer pending.

3. In view of the submission made by the learned counsel for the respondent, nothing survives in these appeals and accordingly, they are dismissed. No costs. Connected M.Ps are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+2cc to Mr.M.S.Bharath, Advocate Sr.74847 and 74846

O.S.A. Nos. 150 & 151 of 2013

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srg 10/01/2017



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